

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

DENNY RAY ANDERSON,)
)
Petitioner,) Case No. 1:13-cv-01734-TWP-MJD
)
vs.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

**ENTRY DISCUSSING MOTION FOR TIME TO FILE NOTICE OF APPEAL AND
MOTION FOR COUNSEL**

Now before the Court is the petitioner's motion for extension of time to file a notice of appeal and motion for counsel.

I. Motion for Time

Final judgment was entered on June 17, 2015. Because the United States is a party, the petitioner has sixty (60) days to file a notice of appeal (not thirty days as he suggests). Fed. R. App. P. 4(a)(1)(B). That is, any notice of appeal must be filed by **Monday, August 17, 2015**. See Fed. R. Civ. P. 6(a)(1). A notice of appeal "requires very little in the way of content, and thus essentially no research." *Robinson v. Sweeny*, No. 14-1936 (7th Cir. July 23, 2015) (Slip Opinion) (citing Fed. App. P. 3(c)). Form 1 in the Federal Rules of Appellate Procedure's Appendix of Forms is a suggested form of a notice of appeal. See Fed. R. App. P. 3(c)(5). This Form is attached for the petitioner's reference.

The deadline for filing a notice of appeal can only be extended if excusable neglect or good cause is shown. Fed. R. App. P. 4(a)(5)(A), (C). These circumstances are not present because the

petitioner still has sufficient time to file a timely notice of appeal. Accordingly, the motion for extension of time [dkt. 22] is **DENIED**.

II. Request for Counsel

The petitioner's request for an attorney to appeal his motion pursuant to § 2255 is **DENIED**. This Court is not in a position to appoint counsel to represent the petitioner on appeal. *See Johnson v. Chandler*, 487 F.3d 1037 (7th Cir. 2007) ("The appointment stops at the door of the district court."). Instead, the petitioner should direct his request for counsel to the Seventh Circuit after filing his Notice of Appeal.

IT IS SO ORDERED.

Date: 7/24/2015



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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